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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,594	11/24/2003	Frederic M. Newman	13526.0025.NPUS00	5037

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Matthew F. Steinheider
Howrey Simon Arnold & White, LLP
750 Bering Drive
Houston, TX 77057

EXAMINER

NGUYEN, THU V

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,594

Applicant(s)

NEWMAN, FREDERIC M. *FM*

Examiner

Thu Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 17-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/1/04 & 4/29/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The response to the restriction requirement filed on November 18, 2004 is acknowledged. By this response, the species group I (including claims 1-16) has been elected with traverse. Upon considering applicant's argument, the examiner decides to maintain the restriction requirement (refer to section "response to argument" below), accordingly, claims 1-16 are examined in this office action.

Information Disclosure Statement

The IDS submitted on June 1, 2004 include only one page listing the references. There is not page 2 as indicated in the form PTO 1449.

Claim Objections

1. Claims 9 are objected to because of the following informalities:
 - a. In claim 9, line 1, the claimed "the length upper slow down zone" should be corrected to "the length of the upper slow down zone".
 - b. In claim 10, line 3, the claimed "above the upper slow down range" should be corrected to "above the lower slow down zone", since the limitation implies that the maximum velocity in the zone 110 (fig.4) is lower than the maximum velocity in the zone 112 (fig.4).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 4,545,017).

As per claim 1, Richardson discloses a process for controlling the speed of a traveling block, the process comprises: determining the speed of the block (col.6, lines 14-19); adjusting the speed of the block to maintain its speed at or below the maximum velocity value (col.5, lines 25-31; col.9, lines 16-22). Richardson does not explicitly disclose comparing the speed of the block to a maximum velocity, however, since Richardson teaches the capability of monitoring the speed of the block and adjusting the speed of the block when the speed of the block exceeds a predetermined value (col.8, lines 33-43; col.9, lines 1-2), and since comparing the speed with a predetermined value for determining exceeding of the value would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to compare the speed of the block with the predetermined value in order to determine the status of the speed of the block and to ensure that the speed of the block does not pass the maximum speed value.

As per claim 2-3, slowing down the speed of the engine for slowing down the speed of lifting or lowering the block, providing visual or sound warning devices for warning certain condition of a vehicle would have been well known.

4. Claims 4-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 4,545,017) in view of Johnson (US 2001/0045549).

As per claim 4, refer to claim 1 above. Richardson does not explicitly disclose determining maximum velocity as a function of weight of the traveling block. However, Richardson mention the effect of weight on the speed (col.9, lines 27-35; col.8, lines 59-61) and Johnson teaches determining maximum speed as a function of weight of the traveling block (para 0070). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include consideration of weight in determining the maximum speed of the block in the process of Richardson in order to provide optimal selection of control speed to the block according to the weight of the block.

As per claim 5-6, refer to claims 2-3 above.

As per claim 7-9, Richardson teaches an upper slow down zone (2 feet to 18 feet) with maximum velocity value (0.3 ft/sec-6.7 ft/sec) being lower than the zone below the upper slow down zone (19 ft), and continually decreasing the maximum velocity in the slow down zone (col.8, lines 32-40). Further, using momentum of the block in determining the length of the

zones in order to determine the appropriate stopping condition when the block reaches the top position of the hoister would have been well known.

As per claim 10-12, Richardson also teaches a lower slow down zone (distance 6ft-13 ft from the floor) with maximum velocity (6ft/sec) being continuously lower than the maximum velocity at the point (29 ft-20 ft at speed 7.1ft/sec-7.5 ft/sec) immediately above the slow down range (col.9, lines 3-22; col.8, lines 15-20). Further, using momentum of the block in determining the length of the zones in order to determine the appropriate stopping condition when the block reaches the top position of the hoister would have been well known.

As per claim 13-14, Richardson teaches stopping the block when the uppermost position is reached (col.7, lines 32-34). Furthermore, sensing the position of the block using metal detector would have been well known.

As per claim 15-16, Richardson teaches slowing the block speed using brake (col.7, lines 23-35; col.9, lines 35-44). Further attaching pneumatic brake to a proportional valve for controlling applied brake pressure; logging data concerning operation or movement of the block for recording and monitoring purpose would have been well known.

Response to Arguments

5. Applicant's election with traverse of species group I (claims 1-16) in the reply filed on November 18, 2004 is acknowledged. The traversal is on the ground(s) that species group 2 is similar to species group I. This is not found persuasive because although applicant admits that the momentum is closely related to velocity, applicant fails to explicitly admit that using momentum criteria in adjusting the movement of the block is obvious over using the velocity criteria. Although the momentum can be calculated from the speed of an object, controlling speed and momentum of an object still requires separate search.

The requirement is still deemed proper and is therefore made FINAL.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 9, 2004


THU V. NGUYEN
PRIMARY EXAMINER